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Supreme Court of the United States
OCTOBER TERM, 1948

No. 554

**ELIJAH CRIPPEN, TRUSTEE OF LONE STAR AIR CARGO
LINES, INC., BANKRUPT,**

Petitioner,

v.

CITY OF DALLAS,

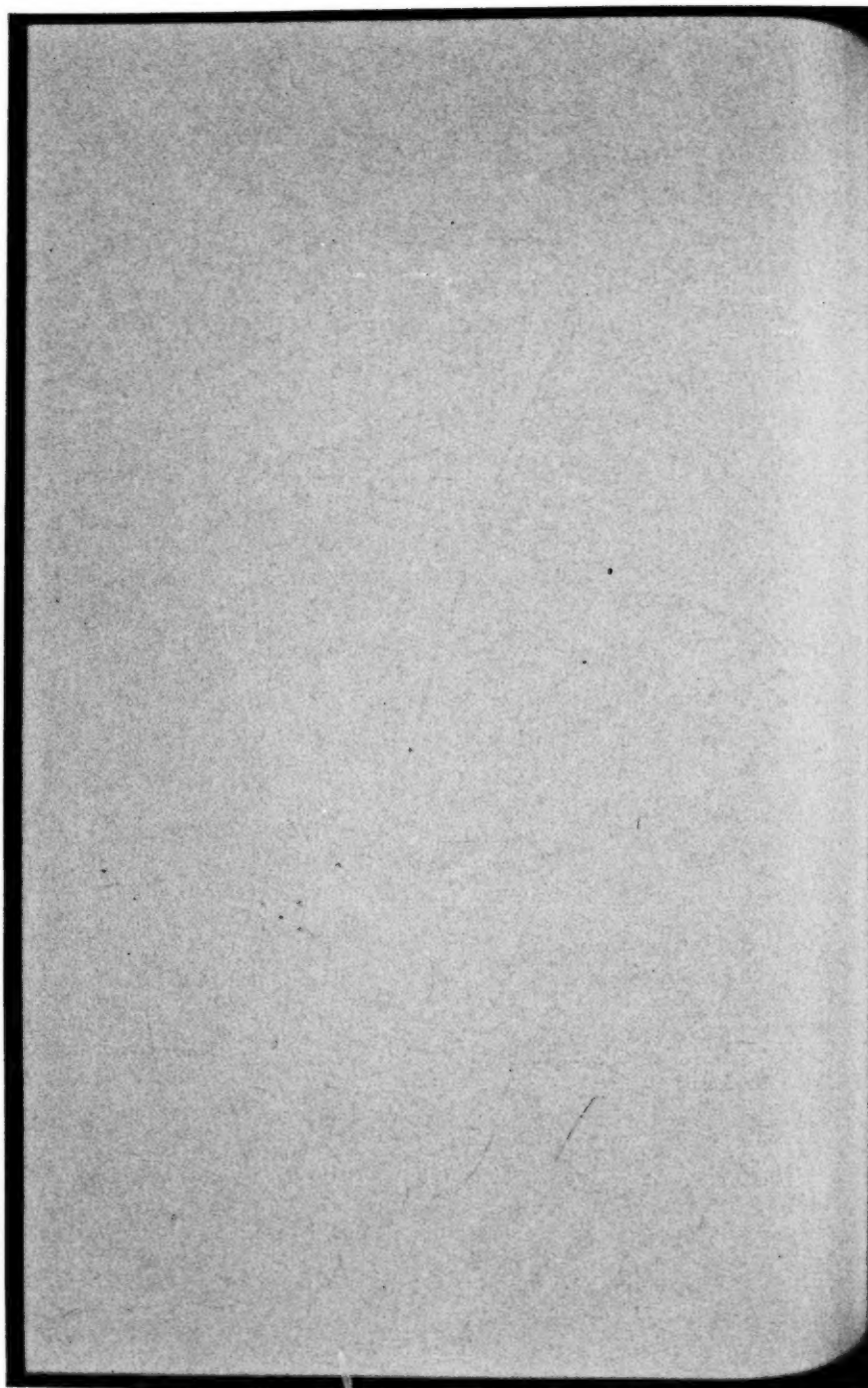
Respondent.

**PETITION FOR REHEARING OF THE PETITION FOR
WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT.**

WEBSTER ATWELL,

**801 Great Natl. Life Bldg.,
Dallas 1, Texas,**

**Attorney for Petitioner, Eli-
jah Crippen, Trustee of Lone
Star Air Cargo Lines, Inc.,
Bankrupt.**



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LINES, INC., BANKRUPT, *Petitioner,*
v.
CITY OF DALLAS, *Respondent.*

**PETITION FOR REHEARING OF THE PETITION FOR
WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FIFTH CIRCUIT.**

*To the Honorable, the Chief Justice and the Associate
Justices of the Supreme Court:—*

Elijah Crippen, Trustee in Bankruptcy of the Lone Star Air Cargo Lines, Inc., Bankrupt, Petitioner herein, presents herewith his petition for rehearing of his petition for writ of certiorari and respectfully shows:—

After the petition for certiorari was filed, this Honorable Court decided *Groggin v. Division of Labor Law Enforcement, California*, 69 Sup. Ct. 469, in which certiorari was granted because of the importance of the issue involved there in the administration of the Bankruptcy Act (333 U. S. 860, 68 Sup. Ct. 746). There the proceeding

originated by the trustee in bankruptcy seeking an order with respect to the priority of the payment of tax, wage claims, and expenses of administration, and it was held that the critical time to determine whether the tax claims were secured by lien was as of the time of the filing of the petition in bankruptcy, and that since the Collector of Internal Revenue had taken actual possession of the personal property for the purpose of realizing upon its lien for taxes, the United States was ahead of the wage claims.

The case at bar also originated by the trustee seeking an order of priority of payment as to tax claims, and the question was whether the Respondent had a valid lien as of the time of bankruptcy and should, therefore, come ahead of the United States tax claims for which no lien is claimed. Accordingly, this case presents not only an important question of the fiscal relationship between the City of Dallas and the United States (*United States v. State of Texas*, 314 U. S. 480, 62 Sup. Ct. 350), but also an important question in the administration of the Bankruptcy Act. And unless the lower court's judgment is corrected, these important questions will be resolved against the United States and all other priority claimants (save wage claimants) and in favor of the Respondent, and other cities in Texas, which will assert successfully a lien for taxes as of January 1st of the year in which bankruptcy intervened, although no assessment was made or other action taken until many months after bankruptcy.

WHEREFORE, Petitioner respectfully prays that this petition for rehearing be granted, and that his petition for writ of certiorari be granted as prayed in said petition.

Respectfully submitted,



WEBSTER ATWELL,

801 Great Natl. Life Bldg.,
Dallas 1, Texas,

*Attorney for Petitioner, Eli-
jah Crippen, Trustee of Lone
Star Air Cargo Lines, Inc.,
Bankrupt.*

I, WEBSTER ATWELL, certify that the foregoing petition for rehearing is presented in good faith and not for delay, and that it is restricted to the grounds which have arisen by virtue of the intervening case by this Honorable Court, which is considered to be of substantial and controlling effect.



WEBSTER ATWELL.